2021 Jun-01 PM 04:52 U.S. DISTRICT COURT N.D. OF ALABAMA

# Exhibit 304

## **Michael Patterson**

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           IN THE UNITED STATES DISTRICT COURT
           FOR THE NORTHERN DISTRICT OF ALABAMA
                     SOUTHERN DIVISION
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 5
     IN RE: BLUE CROSS BLUE SHIELD
     Master File No. 2:13 CV 20000 RDP
 6
     ANTITRUST LITIGATION
     MDL NO. 2406
 9
10
11
12
          VIDEO DEPOSITION OF MICHAEL PATTERSON
        30(b)(6) BLUE CROSS BLUE SHIELD OF ALABAMA
13
14
             1901 Sixth Avenue N., Ste: 2400
15
                   Birmingham, AL 35203
16
                       July 11, 2017
17
18
                 * * * CONFIDENTIAL * * *
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20
21
22
    REPORTED BY:
23
         Angela Smith McGalliard,
24
         Certified Shorthand Reporter
25
         and Notary Public.
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1	A. Separate registrations.	10:57:40
2	Q. Separate registrations for Blue	10:57:46
3	Shield and Blue Cross, in 1952?	10:57:49
4	A. That's when they were issued. I	10:57:50
5	think they were filed in '47 and '49, 1947 and	10:57:53
6	1949.	10:57:54
7	Q. And who were they filed with?	10:57:55
8	A. The trademark office in	10:57:56
9	Washington.	10:57:57
10	Q. So you had federal registration	10:58:04
11	for the marks as of '47 and '49?	10:58:06
12	A. Yes. We also had state marks	10:58:09
13	that were issued in '54, not sure when they	10:58:13
14	were filed, cross and the shield.	10:58:14
15	Q. And did Alabama transfer those	10:58:24
16	rights to the Association?	10:58:27
17	MR. BURKHALTER: Object to the	10:58:28
18	form.	10:58:28
19	A. I believe that was the mechanism	10:58:30
20	of which I believe that to be the case, yes.	10:58:35
21	Q. And when did that occur?	10:58:37
22	A. I believe that was the '50s, but	10:58:46
23	I'll have to check that date.	10:58:53
24	Q. Does Blue Cross Blue Shield of	10:58:55
25	Alabama claim a common-law trademark?	10:58:58
i		

1	Α.	Yes.	10:58:59
2	Q.	To both Blue Shield and Blue	10:59:02
3	Cross?		10:59:03
4	Α.	Yes.	10:59:03
5	Q	Are you aware of any concurrent	10:59:08
6	use of the Blue	e Cross and Blue Shield names in	10:59:14
7	Alabama?		10:59:15
8	I	MR. BURKHALTER: Object to the	10:59:15
9	form.		10:59:15
10	A. 1	No, I am not.	10:59:17
11	Q. 1	Has there been any disputes about	10:59:19
12	the marks in A	labama?	10:59:22
13	I	MR. BURKHALTER: Object to the	10:59:22
14	form.		10:59:22
15	Α.	To my knowledge, no.	10:59:23
16	Q. 1	Have there been any legal	10:59:25
17	challenges to	the marks or registration of the	10:59:28
18	marks?		10:59:29
19	A. 1	Not that I have seen in my	10:59:33
20	position with	the company as an attorney.	10:59:41
21	Q.	So you're not aware of any?	10:59:45
22	Α.	I'm not aware of any, no.	10:59:47
23	Q.	Okay. Have you seen any concerns	10:59:52
24	raised in comp	liance letters concerning the	10:59:54
25	marks in Alaba	ma?	10:59:56

2 on our understanding of the rules and in 3 conjunction with the Association. 4 Q. When you say the rules, you're 5 referring to the Association rules on all Blue 6 Plan members; is that correct? 7 A. Yes. 8 Q. Other than the requirements of 9 the license agreement, are there any other 11:02:25 10 bases for which Blue Cross Blue Shield of 11:02:28 11 Alabama is asserting the right to a valid 11:02:31 12 trademark in Blue Cross and Blue Shield? 11:02:34 13 MR. BURKHALTER: Be sure not to 11:02:38 14 reveal privileged communications in your 11:02:38 15 answer. 11:02:38 16 A. We have common-law right. We 11:02:40 17 have been using the cross publicly since, I 11:02:40 17 have been using the cross publicly since, I 11:02:41 18 found, 1939; we've been using the shield 11:02:50 Q. So you are claiming common-law 11:02:53 21 trademark right to the names? 11:02:57	1	A. I think we investigate them based	11:02:05
Q. When you say the rules, you're 11:02:11 referring to the Association rules on all Blue 11:02:20 Plan members; is that correct? 11:02:21 A. Yes. 11:02:22 Referring to the Association rules on all Blue 11:02:21 A. Yes. 11:02:22 Referring to the Association rules on all Blue 11:02:21 Referring to the Association rules on all Blue 11:02:21 Referring to the Association rules on all Blue 11:02:22 Referring to the Association rules on all Blue 11:02:22 Referring to the Association rules on all Blue 11:02:22 Referring to the Association rules on all Blue 11:02:22 Referring to the Association rules on all Blue 11:02:22 Referring to the Association rules on all Blue 11:02:23 Referring to the Association rules on all Blue 11:02:24 Referring to the Association rules on all Blue 11:02:24 Referring to the Association rules on all Blue 11:02:24 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all Blue 11:02:11 Referring to the Association rules on all to the Initial Referring to the Ref	2	on our understanding of the rules and in	11:02:06
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21 trademark right to the names? 11:02:56	19	publicly since 1947.	11:02:50
	20	Q. So you are claiming common-law	11:02:53
MR. BURKHALTER: Objection. 11:02:57	21	trademark right to the names?	11:02:56
	22	MR. BURKHALTER: Objection.	11:02:57
23 Asked and answered. 11:02:57	23	Asked and answered.	11:02:57
24 A. Yes. 11:02:58	24	A. Yes.	11:02:58
Q. Okay. Is there an agreement or 11:03:02	25	Q. Okay. Is there an agreement or	11:03:02